

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.21890 of 2018
and
W.M.P. No.25685 of 2018

S.P.Parthiban ... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep by its Secretary to Government
Public Works Department
Fort St. George, Chennai - 600 009
- 2.The Chief Engineer (Irrigation)
Pollachi Region
Public Works Department
Coimbatore
- 3.The District Collector
Erode District, Erode
- 4.The Revenue Divisional Officer
Gopichettipalayam, Erode District
- 5.The Tahsildar
Gopichettipalayam Taluk
Erode District
- 6.The Executive Engineer
Canal Division, Irrigation
Public Works Department, Erode
- 7.The Superintending Engineer
Erode Electricity Distribution Circle
TANGEDCO
Erode

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for a writ of mandamus, to consider petitioner's representation dated 28.07.2018 and consequently forbearing the 3rd and 4th respondents from granting permission for track permit in S.F. No.690/3.4.5, Patta No.7, Perumugaipudur, Gopichettipalayam Taluk, Erode District.

For Petitioner : Ms.S.Dhanalakshmi

For Respondents: Mr.T.N.Rajagopalan,
Govt. Pleader
Mr.S.K.Rameshuwar,
Standing Counsel for TANGEDCO

O R D E R

(Judgment of this Court was made by S.MANIKUMAR, J.)

Claiming himself to be a small farmer of Gopichettipalayam, Erode District and cultivating lands by drawing water from his own wells and bore wells from time immemorial and further contending that one Mr.Subramani and 25 others, who have purchased lands measuring 1.81 cents in S.F. No.690/3,4,5 near river bed of Bhavani river, are digging well and bore well, with intention to directly connect it to Bhavani river and thereafter, to draw water and utilise the same for commercial purposes, petitioner seemed to have sent a representation dated 28.07.2018, to the Tahsildar, Gopichettipalayam Taluk, Erode District, with copies marked to others.

2. Further contending that the said representation has not been responded, and stating to be espousing the cause of public, instant writ petition has been filed for a mandamus directing the District Collector, Erode District and Revenue Divisional Officer, Gopichettipalayam Taluk, Erode District/respondents 3 and 4 respectively, from granting permission to track permit in S.F. No.690/3,4,5.

3. Mr.S.K.Rameshuwar, learned counsel for the Electricity Board, submitted that, for the above said survey number, no service connection has been accorded.

4. Mr.T.N.Rajagopalan, learned Government Pleader, submitted that there is no proof to show that representation dated 28.07.2018 has been acknowledged by the respondents, but instant writ petition has been filed within five days from the date of the alleged representation. He further submitted that Mr.Subramani and 25 others against whom allegations have been made, for digging well and bore well, close to Bhavani river, with an intention to draw and utilise the same for commercial purpose, have not been impleaded.

5. Heard both sides and perused the materials available on record.

6. Averments made in support of the prayer sought for, are not substantiated by any material to prove that lands have been purchased by Mr.Subramani and 25 others measuring an extent of 1.81 cents in S.F. No.690/3,4,5. As rightly pointed out by the learned Government Pleader, the said Subramani and others have

not been impleaded as party respondents. There is no material to support that the representation dated 28.07.2018 has been acknowledged. Representation dated 28.07.2018, is stated to have been sent. As rightly pointed out even before the ink could dry, writ petition has been filed.

7. Apprehending that the above said persons are planning to sell water, instant writ petition has been filed. Apprehension is not well founded and Public Interest Litigation is based on apprehension. There is absolutely no materials in the writ petition styled as Public Interest Litigation. Though the writ petition deserves to be dismissed with cost, we refrain from doing so, hoping that the writ petitioner, would hereinafter, collect, all materials, and make out a prima facie case.

8. Writ petition is dismissed. However, there shall be no order as to cost. Consequently, the writ miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

asr

- 1.The Secretary to Government
Government of Tamil Nadu
Public Works Department
Fort St. George, Chennai - 600 009
- 2.The Chief Engineer (Irrigation)
Pollachi Region Public Works Department
Coimbatore
- 3.The District Collector
Erode District, Erode
- 4.The Revenue Divisional Officer
Gopichettipalayam, Erode District
- 5.The Tahsildar
Gopichettipalayam Taluk, Erode District
- 6.The Executive Engineer
Canal Division, Irrigation
Public Works Department, Erode
- 7.The Superintending Engineer
Erode Electricity Distribution Circle
TANGEDCO Erode.

+ 1 cc to Mr. C. Yokesh, Advocate sr.58687

+ 1 cc to Mr. Government Pleader Sr.58803

W.P.No.21890 of 2018and

W.M.P. No.25685 of 201

RK(CO)

EU(17/09/2018)

<https://hcservices.ecourts.gov.in/hcservices/>